

AMENDED IN ASSEMBLY AUGUST 16, 2010  
AMENDED IN ASSEMBLY JUNE 24, 2010  
AMENDED IN ASSEMBLY SEPTEMBER 9, 2009  
AMENDED IN ASSEMBLY AUGUST 31, 2009  
AMENDED IN ASSEMBLY JULY 14, 2009  
AMENDED IN ASSEMBLY JUNE 30, 2009  
AMENDED IN SENATE MAY 28, 2009  
AMENDED IN SENATE APRIL 2, 2009

**SENATE BILL**

**No. 769**

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**Introduced by Senator Alquist**

February 27, 2009

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An act to amend Section 101320 of, and to add Sections 101318 and 101318.5 *Section 101318* to, the Health and Safety Code, relating to federal funding, ~~making an appropriation therefor~~, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 769, as amended, Alquist. Federal funding: supplemental appropriations: pandemic ~~flu~~ *influenza*.

Existing law establishes procedures and requirements to govern the allocation to, and expenditure by, local health jurisdictions of federal funding received for the prevention of, and response to, bioterrorist attacks and other public health emergencies. Existing law provides that these procedures apply only when local health jurisdictions are designated by a federal or state agency to manage the funds for public

health preparedness and response to bioterrorist attacks and other public health emergencies, pursuant to a specified federally approved plan. Existing law repeals these provisions as of January 1, 2011, as specified.

This bill would extend the repeal date to January 1, 2013, and would, ~~commencing with the 2009–10 fiscal year~~, provide that federal funding received pursuant to the federal 2009 Supplemental Appropriations Act for pandemic ~~flu~~ *influenza* for purposes of state and local public health and emergency response infrastructure would be subject to appropriation by the Legislature for allocation by the State Department of Public Health, as prescribed *and would modify the methodology for allocation of those funds*.

~~This bill would also require the department to use funds allocated pursuant to the 2009 Supplemental Appropriations Act, as specified, to expand the capacity of the California Health Alert Network, or another appropriate communications network, in a manner that would allow the department to communicate electronically and in a timely manner with every general acute care hospital and primary care clinic in the state during a public health emergency.~~

~~By expanding the purposes for which an existing appropriation may be used, this bill would make an appropriation.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: ~~yes~~ *no*. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The Legislature intends to ensure that federal funds granted
- 4 for the purpose of *public health* emergency preparedness ~~for~~
- 5 ~~responding~~ *and public health emergency response* to a pandemic
- 6 ~~flu~~ *influenza* outbreak are distributed appropriately to local public
- 7 health jurisdictions.
- 8 (b) The public health infrastructure and workforce at the local
- 9 level are the first line of defense against communicable disease.
- 10 Without proper personnel in place, a response to the H1N1 ~~flu~~
- 11 *influenza* virus or any other public health threat is significantly
- 12 weakened.

SEC. 2. Section 101318 is added to the Health and Safety Code, to read:

101318. (a) ~~Commencing with the 2009–10 fiscal year, federal~~ *Federal* funding received pursuant to the 2009 Supplemental Appropriations Act (Public Law 111-32) for pandemic ~~flu~~ *influenza* for purposes of state and local public health and emergency response infrastructure, including, but not limited to, epidemiology, communicable disease response, workforce, laboratory capacity, public communications, and community mitigation guidance and planning, shall be subject to appropriation by the Legislature in the annual Budget Act or other statute for allocation by the department in accordance with this article.

~~(b) This article shall govern instances when federal funding is allocated and expended for disease control and prevention activities by~~

*(b) This section shall govern federal funding provided by the Public Health Emergency Preparedness Cooperative Agreement and the Public Health Emergency Response Cooperative Agreement for the state and local health jurisdictions.*

(c) The proportion of funds allocated to *support* local health ~~jurisdictions jurisdiction activities~~ shall be at least the proportion stipulated in the 2008–09 federally approved ~~collaborative state-local plan~~ *state applications for the Public Health Emergency Preparedness Cooperative Agreement* unless stipulated otherwise by federal law or guidance, *or unless the department, in consultation with the California Conference of Local Health Officers and the County Health Executives Association of California, submits an application that specifies a different funding allocation.*

(d) The department may establish a minimum allocation of less than one hundred thousand dollars (\$100,000) to local health jurisdictions, if the department consults with the California Conference of Local Health Officers and the County Health Executives Association of California.

SEC. 3. ~~Section 101318.5 is added to the Health and Safety Code, to read:~~

~~101318.5. Using funds allocated pursuant to the 2009 Supplemental Appropriations Act (Public Law 111-32), and to the extent permitted by federal law, the department shall expand the capacity of the California Health Alert Network, or another~~

1 appropriate communications network, in a manner that allows the  
2 department to communicate electronically and in a timely manner  
3 with every general acute care hospital and primary care clinic in  
4 the state during a public health emergency.

5 ~~SEC. 4.~~

6 *SEC. 3.* Section 101320 of the Health and Safety Code is  
7 amended to read:

8 101320. This article shall become inoperative on September  
9 1, 2012, and, as of January 1, 2013, is repealed, unless a later  
10 enacted statute that is enacted before January 1, 2013, deletes or  
11 extends the dates on which it becomes inoperative and is repealed.

12 ~~SEC. 5.~~

13 *SEC. 4.* This act is an urgency statute necessary for the  
14 immediate preservation of the public peace, health, or safety within  
15 the meaning of Article IV of the Constitution and shall go into  
16 immediate effect. The facts constituting the necessity are:

17 In order to ensure an adequate and timely response to the H1N1  
18 virus and other public health threats, it is necessary for this act to  
19 take effect immediately.